

Edin. Faculty of Advocates.

Unto the Right Honourable The Lords of Council and Session
The REPORT, REPRESENTA-
TION, and PETITION, of the Committee
of ADVOCATS, appointed by your Lordships to
meet with the Stent-Masters of Edinburgh:

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SHEWETH

THAT in pursuance of the privileges found by Decree of your Lordships in February 1687 to belong to the Members of the Colledge of Justice and in obedience to your Lordships appointment whereby we were authorized and appointed by your Lordships to go through with the Stent-Masters of Edinburgh and to do all things necessary in order to the seeing of the Towns proportion of the publick burdens, Justly and equally laid on &c. We did meet with the Moderator of the Stent and remanent Stent-Masters and did concert with them, that the going thorow in order to the Survey, should Commence the 2d of January last; And that we might make survey Books of our own, In such manner as we should think fit, in regard they would not allow us the use of their Survey Books of the former year for our Information. And because as they pretended, it would be eight or ten days before they desired we might be punctual in observing the diets, which we agreed to Because they pretended they were obliged to tarry in order to the proportioning of the Stent upon the 10 day of January thereafter, which we also were satisfied with, that so the business might have been compleated before the commencement of the Session.

Conform to this Concert, we did begin the Survey upon the 2d of January, and continued to do so for some diets very punctually. But at length the Stent Masters perceiving that we did more seriously apply in this than in any former years for attaining to the full knowledge of that affair, by making scrolls of the survey in the terms as we had concerted with the Stent Masters of before. They became most uneasy and shifted the going thorow, albeit we were always ready. For a specious pre-empt to those delays, some pretended one excuse and some an other thus perceiving that their design could be no other but to wearie us out of it or to run us up to the Session, when we could not so conveniently attend, We did commissionat some of our Number to signify to the Moderator of the Towns Stent-Masters, That we were observing unprejudicial and extraordinary delays in their making up the survey, with which we would acquaint your Lordships unless they would rectifie that abuse for the future, and having received no satisfactory answer; we did require them under form of Instrument to go thorow *de die in diem* and Protested in the terms of our Instruments herewith produced. Notwithstanding whereof albeit some of them did thereafter go for some diets, yet they did it with such reluctancie, that all of them never went at once, and kepted us still in suspence, with such sham and Dilatory answers as this, that they knew not whether they could go or not. Whereupon we resolved amongst our selves, not only to be ready to attend them daily untill the Session should sit down but we might have redrets, But also that we might now and then require those Stent-masters of our particular districts, to go about the survey, with us at the ordinary diets, and which all of us did observe, as appears by several Instruments likewise herewith produced, but all to no purpose, none of us having had opportunity to go thorow our whole bounds, and some not one self and others not a third thereof, thorow the Stent-Masters their not concurring to attend the diets. By all which it is very premeable that there is some Latent Mystery in that affair, To the knowledge whereof they do not incline the Colledge of Justice should attain, Especially seeing it is certain that before the Revolution, when Eight months Cess was imposed, the proportions of the Heritors was only about Eight per Cent of the valued rent, and now in these latter years it has been for the most part 15 or 16 or 17 per cent and some times more, for the same Number of Months. And seeing there is no apparent Method of discovering what occasions this difference, unless we be present at the whole survey, & so have before us the Total rent of the Town, and Likeways be present at proportioning the Stent, both upon Land and Trade, and that now they absolutely refuse to go thorow, unless we would engage to make no scrolls or write, of the Survey, and which if veilded to, might render the design altogether Elusory: and to Evidence the desire we had of contributing our endeavours, to procure a lasting Friendship betwixt the Colledge of Justice and the good Town, we did so far comply with the desire of some of the Magistrates and Moderator of the Stent that after several meetings and communings wherein they represented (tho without ground) that our making up of Scrolls of the valuation might give umbrage to the neighbourhead we agreed to supersede the perfecting of these Scrolls upon their going into such proposalls as might tend to give us the perfect knowledge and information of the way and manner of imposing and collecting their Stent, upon Land and Trade, which we gave in unto them in the terms hereto subjoynd and to which proposalls tho' they pretended to

sequel; yet when we came to require some proper Security for the performance, viz. The Moderator of the Stent and the Prases of our Committee, for their respective Brethren the Proposals, in token of their being agreed to by both parties, the same was positively refused to us: from which 'tis very plain, that the design from the beginning has been, and continues, to deprive us of all proper means, whereby to come to the knowledge of any particulars, as your Lordships Decree & Act of Sederunt, and privileges of the Colledge of Justice thereby confirmed, intitles us to: And seeing our demanding some security on the part of good Town & these Stent-masters for performance of so modest & equal Proposals as we tender to them, was both equal, and absolutely necessary; since otherwise, without some Document of their Consent in writing, they would no doubt have resiled in the same manner from the as they did from the first Concert solemnly agreed to betwixt the Stent masters and us, at a general Meeting, whereby at their own desire, and by their consent we were to make up Valuation Books of our own, in regard they refused us the benefit of their old Scrol-books for that labour: And yet after we had all undergone a great Fatigue, in going through and carrying on our Books a considerable length, they all broke off the Concert, and refused to go through any more with us, untill we would lay aside making up of Books any further. Therefore is humbly craved, that your Lordships may apply some effectual Remedy for preventing Abuse committed against the Members of the Colledge of Justice, and particularly (attending any other proper Expedient that can be fallen upon) to ordain the Town Council of Edinburgh and the present Stent Masters to produce the former years Books, both of the Surveys subscribed Stent-Books of Land and Trade (the inspection of which subscribed Books by Act of Parl. is allowed to every Neighbour to demand) and that in order to the making up this years Survey, they may be ordained to go through such Diets, as we who are appointed by your Lordships to attend the same, may conveniently be present, for perfecting the Scrolls which in we are already advanced as far as we have surveyed, that so your Lordships Authority may be saved, and our Privileges vindicated in the terms, and conform to your Lordships Act of Sederunt and Decree above mentioned.

Here follows the Articles agreed to, betwixt the Moderator of Stent-Masters of Edinburgh, with concurrence of Baillie Naesmyth and Dean of Gild Neilton, on behalf of the Magistracie and Council of Edinburgh, and the Committee of Advocats appointed by the Faculty, and authorized by the Lords of Session.

1^{mo}, **T**HAT the eight Advocats appointed by the Faculty of Advocats, & authorized by the Lords of Session, shall not only go along with the Stent Masters, at their taking the several Surveys, but also make their respective privat Remarks apart, and at the close of each Diet, that the haill Books, wherein the Valuations are contained and set down by the Stent-Masters, be marked by the Advocats present: for preventing the Substitution of others in their place.

2^{do}, That the saids haill Scrol Books shall be seen when finished, and perused by the Advocats themselves at their own Meetings, and remain with them for a competent space, not less than 48 hours before inclosing.

3^{io}, That they shall see the Books containing the Total of the Stent, both upon Land and Trade, made up from the respective Scrol Books, as likewise the Collectors Book made up from the whole, which is the Rule of the uplitting; that they may peruse them amongst themselves for a competent space, not less than 48 hours, and compare the one with the other, after the saids Books are made up by the Stent-Masters, and that both before and after finishing thereof, and that the Moderator may be present with the Advocats, at the perusing the Books.

4^o, That the Diets for compleating the Survey, and for proportioning the Stent, inclosing, shall be concerted and adjusted, to the respective Advocats of the Committee, as they shall see convenient.

5^o, That Mr. Walter Stuart continue to make up his Scrol Book for the third Bound in conjunction with the Stent Master of the said Bounds, till they come within four Pages of the old Scrol-Book, that so he may bring his Book equally up with others of the Committee of Advocats, which he hath not as yet gotten done, throw those Stent-Masters, appointed for his bounds, being the first who broke off the Survey.